

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Darren Simmons, # 182509,)	C/A No. 5:15-cv-00651-RMG-KDW
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Byran P Stirling, Agency Director; John B.)	
McRee, MD, Medical Director; John T.)	
Beard, MD, FACC; Robert A. Schulze, Jr.,)	
MD, FACC; RN Ms. Williamson, each)	
sued in their individual and official)	
capacity; Ms. Ofc. N. Chavis; Ms. RN)	
Gwen Stokes; RN Ms. Fulton; Ms.)	
Washington; Ms. Nelson; Ms. Smith)	
Robinson; Ms. Ofc. T. Jackson; Ms.)	
Graves; Mr. Kenneth Dubose; Mr. Jimmy)	
Sligh; LPN Ms. Dixon; Ms. Boykins; Ofc.)	
Ms. Thompson; Ms. Rosa Lee Privitte,)	
FACC; MD Isabelle; Verne M. Prosser)	
FACC, MD; MD George; Angela Hardin;)	
Ms. Sgt. Flemings; Sgt. Ms. Williams; Lt.)	
Ms. Simon; Ms. Ofc. Lewis,)	
)	
Defendants.)	

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of March 20, 2015. ECF No. 9.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The Court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed was returned to the court marked "no longer at this address" and with the word "Paroled" written on the envelope. ECF No. 15. Thus, it appears that Plaintiff is no longer at the

address he provided when this case was open, that he left no forwarding address at that location, and that he neglected to provide this Court with a current address.

Plaintiff's failure to provide this Court with a current address when he left the location from which his Complaint was submitted indicates an intent to not continue prosecuting this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.


Richard M. Gergel
United States District Judge

April 8, 2015
Charleston, South Carolina

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.
